

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA : CASE NO. CR-3-02-77

v.

JAMES C. GOLDEN, JR. :

FILED
KAREN H. MURPHY
CLERK
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SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
DAYTON

Response In Opposition To Defendant Golden's Motion For Notice Of
Intention To Use Evidence (R. 16)

This matter is before the Court on Defendant's Motion for Notice of Intention to Use Evidence which was filed herein on August 30, 2002. The Government now responds.

"The purpose of Rule 12(d)(2) is to enable the defendant to file a motion to suppress, not to provide him with information he normally could not discover under Rule 16." United States v. Oatman, 1990 U.S. Dist. LEXIS 16303, *2 (Western District of Michigan November 27, 1990) (citations omitted). "[T]he Sixth Circuit has concluded that 'in most criminal prosecutions the Brady Rule, Rule 16, and the Jencks Act exhaust the universe of discovery to which the defendant is entitled.'" Id., (quoting United States v. Presser, 844 F.2d 1275, 1286 n.12 (6th Cir. 1988)).

VIEW
DESK

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In this case, Defendant has been provided access to all of the evidence which the Government may decide to use at trial. Not only has the Government provided defense counsel with full and complete discovery under Rule 16 of the Federal Rules of Criminal Procedure, but it has also provided defense counsel with redacted copies of all police reports and witness statements. (Redactions are limited to the identifying information of lay witnesses). Thus, Defendant has the necessary information before him to evaluate his position on whether to file any motions to suppress evidence.

Accordingly, the Government respectfully requests that the present Motion for Notice of Intention to Use Evidence be overruled in its entirety.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the within pleading was
mailed by regular United States mail to:

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on this 23rd day of September, 2002.



ANNE H. FEHRMAN
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